

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN TIMOTHY GREGORY,

Plaintiff, No. CIV S-04-2523 DFL PAN P

vs.

T. AYERS, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 3, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed March 3, 2006] are adopted in full;
2. Defendants' August 29, 2005 motion to dismiss is denied as to plaintiff's retaliation claims against defendants Reuter, Glensor, and Coombs, and granted in all other respects;

3. Plaintiff's claims arising out of his June 30, 2004 disciplinary conviction on charges of making false allegations against a peace officer are dismissed without prejudice; and
4. Within twenty days from the date of this order defendants Reuter, Glensor and Coombs shall answer the second and third claims raised in plaintiff's complaint

DATED: March 30, 2006.

DAVID F. LEVI